United Nations S/2016/959*

Security Council

Distr.: General
15 November 2016

Original: English

Letter dated 11 November 2016 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you a letter dated 4 November 2016 from Judge Carmel Agius, President and Judge of the Appeals Chamber of the International Tribunal for the Former Yugoslavia (see annex).

In his letter, Judge Agius requests the extension of the terms of office of seven permanent judges and one ad hoc judge of the Tribunal until 30 November 2017 or until the completion of the cases to which they are or will be assigned, if sooner.

Pursuant to Security Council resolution 2256 (2015) of 22 December 2015 and General Assembly resolution 70/227 of 23 December 2015, the current term of office of the judges is set to expire on 31 December 2016. However, according to the trial and appeal schedule enclosed with the letter from Judge Agius, the cases to which the judges are or will be assigned will be completed in November 2017. Therefore, it is necessary to extend the terms of office of the judges so that they may complete the cases.

In addition, Judge Agius requests a further extension of his term of office until 31 December 2017 so that he may continue to perform the functions required of him as President in closing the Tribunal.

It falls to the General Assembly and the Security Council to consider and decide upon these requests. Accordingly, I would be grateful if you would bring the letter from Judge Agius to the attention of the members of the Security Council.

I also note that, pursuant to Security Council resolution 2256 (2015), the current term of office of the Prosecutor of the Tribunal, Serge Brammertz, will expire on 31 December 2016.

According to Article 16, paragraph 4, of the Statute of the Tribunal, the Prosecutor shall be appointed by the Security Council on nomination by the Secretary-General.

In this regard, I hereby nominate Serge Brammertz for reappointment as Prosecutor of the International Tribunal for the Former Yugoslavia until the completion of the work of the Tribunal.

(*Signed*) **BAN** Ki-moon

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* Reissued for technical reasons on 23 November 2016; previously issued under the symbol A/71/614-S/2016/959.

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Annex

Letter dated 4 November 2016 from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General

I have the honour of referring to Security Council resolution 2256 (2015) of 22 December 2015, in which the Security Council, inter alia, extended the terms of office of the permanent and ad litem judges of the International Criminal Tribunal for the Former Yugoslavia until 31 December 2016 or until the completion of the cases to which they are assigned, if sooner.

By the present letter, I wish to bring to your attention the necessity for a final extension of the terms of office of the Tribunal's permanent judges and of an ad hoc judge. The extensions set out below are sought on the basis of and by reference to the attached trial and appeal schedules, which contain projections for the completion of the Tribunal's remaining substantive trial and appeal cases.

Permanent judges

An extension until 30 November 2017 or until the completion of the cases to which they are or will be assigned, if sooner, is sought for the following remaining judges:

Judge Carmel **Agius,** President (Malta)

Judge **Liu** Daqun, Vice-President (China)

Judge Alphons **Orie** (Netherlands)

Judge Fausto **Pocar** (Italy)

Judge Theodor **Meron** (United States of America)

Judge Bakone Justice **Moloto** (South Africa)

Judge Christoph **Flügge** (Germany)

Ad hoc judge

An extension until 30 November 2017 or until the completion of the cases to which he is or will be assigned, if sooner, is also sought for the following judge:

Judge Burton Hall (Bahamas)[1]

President of the International Tribunal

In addition to the above request to extend my term of office to 30 November 2017, which relates to my function as Presiding Judge of the Appeals Chamber, I would request a further extension until 31 December 2017 so that I may continue to

[1] On 21 September 2016, pursuant to article 13 *quinquies* of the Statute of the International Tribunal for the Former Yugoslavia, the Secretary-General appointed Judge Burton Hall (Bahamas) as an ad hoc judge of the Tribunal for the same duration as the term of office of the judges of the Appeals Chamber.

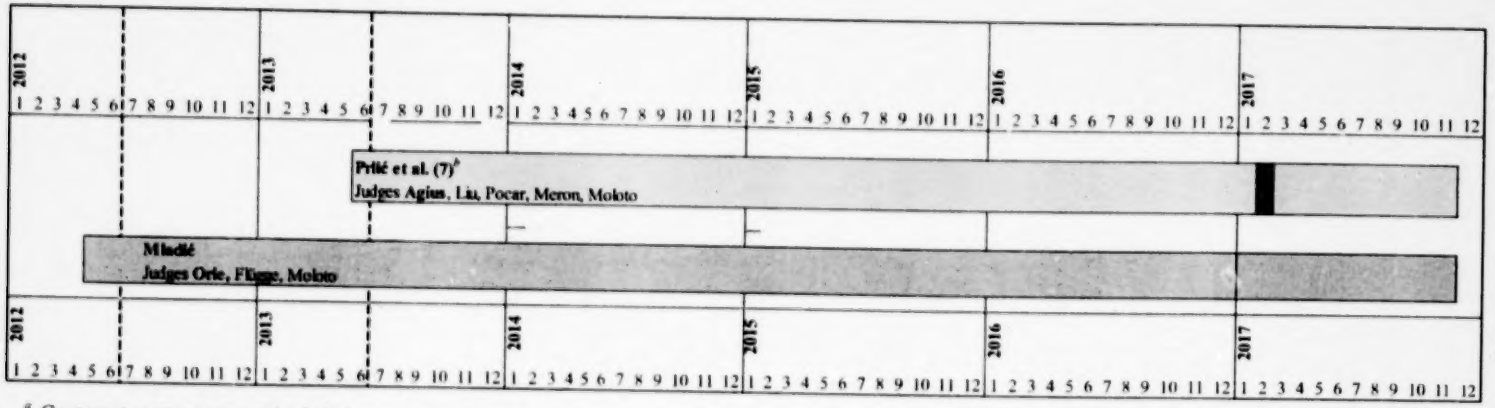
perform the functions required of me as President in closing the Tribunal in line with the completion strategy.

I would be grateful if you would bring the present letter and its enclosure to the attention of the Security Council for its consideration.

(*Signed*) Carmel **Agius**
President

Enclosure

Status of the trial and appeals schedule of the International Tribunal for the Former Yugoslavia as at 4 November 2016[a]



[a] Contempt matters are not included.

[b] Number of accused/appellants, including the prosecution.

Appeals
Trials
Appeal hearings